

[ATTORNEY'S NAME] or DOC heading
SPECIAL ASSISTANT ATTORNEY GENERAL
MONTANA DEPARTMENT OF CORRECTIONS
1539 Eleventh Avenue
Post Office Box 201301
Helena, MT 59620-1301
(406) 444-3905 - Telephone
(406) 444-1494 - Facsimile
[attorney's email address]

ATTORNEY FOR THE STATE

MONTANA [district #] JUDICIAL DISTRICT YOUTH COURT, [county] COUNTY

IN THE MATTER OF: [name of youth], A YOUTH	CAUSE NO. [cause #] MOTION FOR INCOME WITHHOLDING ORDER
--	---

COMES NOW Special Assistant Attorney General [attorney's name] on behalf of the Department of Corrections Youth Services Division ("DOC") and moves this Court for an income withholding order pursuant to Mont. Code Ann. §§ 41-4-1525(4)(a), 40-5-412, and 25-13-614. An income withholding order is necessary to facilitate enforcement of this [document title] dated [date of order] pursuant to § 41-5-1525 ("Order"), a copy of which is attached as Exhibit A.

Mont. Code Ann. § 41-4-1525(4)(a), states in part as follows:

[C]ontributions ordered under subsection (3) and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4....

The Affidavit of [RAOs name], DOC Regional Administrative Officer, is attached in support of this motion and outlines all efforts made by DOC to collect [parent's name]'s cost-of-

In the matter of [insert youth name] Cause No. [cause #]
Motion for Income Withholding

PAGE 1

care contributions under the [order used above]. Said Affidavit demonstrates that a delinquency income withholding order is necessary in this instance.

Section 40-5-412(2)(a), M.C.A., states that "... an obligor becomes delinquent 8 working days after the last day of the month in which the payment is due." It is further noted at § 40-5-415(2)(b) that the obligee "may notify the obligor that income withholding will be initiated if the delinquent amount is not received within 8 days of the date of the notice." The affiant states that [parent's name] is delinquent and that [he/she] has personally provided all appropriate notice to [parent's name]

DOC respectfully moves the Court for an income withholding order to garnish [parent's name]'s wages at the rate of \$[amount] per [week/month] not to exceed 50% of his/her disposable earnings per [week/month]. The basis for this 50% garnishment is contained in § 25-13-614(4), M.C.A.:

(a) The maximum part of the aggregate disposable earnings of a judgment debtor for any workweek that is subject to garnishment to enforce an order described in subsection (4)(a)(i) may not exceed:

(i) 50% of the judgment debtor's disposable earnings for that week if he is supporting his spouse or dependent child ...

DATED this [date] day of [month], 20[year]

[attorney's name]
Special Assistant Attorney General

I hereby certify that the foregoing was duly served upon the following by mail, hand delivery, Federal Express or facsimile transmission:

Public Defender
[insert address]

Youth Court Services
[insert address]

In the matter of [insert youth name] Cause No. [cause #]
Motion for Income Withholding

PAGE 2

Parent(s)
[insert address]

RAO [insert RAOs name]
[insert address]

- ☐ U.S. mail
- ☐ Federal Express
- ☐ Hand delivery
- ☐ Facsimile transmission

DATED this [date] day of [month], 20[year].